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4 **IN THE UNITED STATES DISTRICT COURT**  
5 **FOR THE DISTRICT OF ARIZONA**

6 IN RE BARD IVC FILTERS  
7 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

8 **AMENDED MASTER SHORT FORM**  
9 **COMPLAINT FOR DAMAGES FOR**  
10 **INDIVIDUAL CLAIMS AND DEMAND**  
11 **FOR JURY TRIAL**

12 Plaintiff(s) named below, for their Complaint against Defendants named below,  
13 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

14 Plaintiff(s) further show the Court as follows:

15 1. Plaintiff/Deceased Party:

16 Antonio Smith

17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
18 consortium claim:

19 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
20 conservator):

21 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
22 the time of implant:

1                    Georgia

- 2            5.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
3                    the time of injury:

4                    Georgia

- 5            6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:

6                    Georgia

- 7            7.     District Court and Division in which venue would be proper absent direct filing:

8                    United States District Court Middle District of Georgia-Macon Division

- 9            8.     Defendants (check Defendants against whom Complaint is made):

10                  X      C.R. Bard Inc.

11                  X      Bard Peripheral Vascular, Inc.

- 12            9.     Basis of Jurisdiction:

13                  X      Diversity of Citizenship

14                  ☐     Other: \_\_\_\_\_

- 15                  a.     Other allegations of jurisdiction and venue not expressed in Master  
16                          Complaint:

- 17                          \_\_\_\_\_  
18                          \_\_\_\_\_  
19                          \_\_\_\_\_  
20            10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
21                          claim (Check applicable Inferior Vena Cava Filter(s)):

22                          ☐      Recovery<sup>®</sup> Vena Cava Filter

☒ G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express (G2<sup>®</sup> X) Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

May 14, 2008

12. Counts in the Master Complaint brought by Plaintiff(s):

☐ Count I: Strict Products Liability – Manufacturing Defect

☐ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☐ Count III: Strict Products Liability – Design Defect

☐ Count IV: Negligence - Design

☐ Count V: Negligence - Manufacture

☐ Count VI: Negligence – Failure to Recall/Retrofit

☐ Count VII: Negligence – Failure to Warn

☐ Count VIII: Negligent Misrepresentation

☐ Count IX: Negligence *Per Se*

☐ Count X: Breach of Express Warranty

☐ Count XI: Breach of Implied Warranty

- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Georgia (insert state)  
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): \_\_\_\_\_ (please state the facts supporting this  
Count in the space immediately below)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 21st day of February, 2017.

2 **McGartland Law Firm, P.C.**

3 By: /s/ Michael P. McGartland

4 Michael P. McGartland

5 TX Bar No. 13610800

6 1300 S. University

7 Drive, Ste. 500

8 Fort Worth, TX 76107

9 Attorney for Plaintiff

10 I hereby certify that on this 21st day of February, 2016, I electronically transmitted  
11 the attached document to the Clerk's Office using the CM/ECF System for filing and  
12 transmittal of a Notice of Electronic Filing.

13 /s/ Michael P. McGartland